

Remarks

Claims 1-28 are pending. No claims are amended herein. Claims 1, 2, 6, 9-13, 17 and 20-28 stand rejected. Claims 3-5, 7, 8, 14-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but are otherwise allowable. The Assignee respectfully traverses the rejections and requests allowance of claims 1-28.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 6, 10-13, 17, 21-24, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,309 to Busuioc et al. (hereinafter “Busuioc”) in view of U.S. Patent Application Publication No. 2002/0120713 to Gupta et al. (hereinafter “Gupta”). (Page 3 of the final Office action.) Also, claims 9, 20, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Busuioc in view of Gupta and U.S. Patent No. 6,529,936 to Mayo et al. (Page 6 of the final Office action.) The Assignee respectfully traverses the rejections in light of the following discussion.

Claim 1 provides, in part, “qualification software configured when executed by at least one processor to direct the at least one processor to *identify requirements of a broadband wireless service....*” Claims 12 and 23 provide similar limitations. The Office action indicates that this claim provision is disclosed in Busuioc in the passage at column 1, lines 47-55. (Page 3 of the final Office action.) More specifically, the final Office action indicates that the requirement being identified in Busuioc is *bandwidth availability to a customer*. (Page 3 of the final Office action; emphasis supplied. See also column 2, lines 28-31 of Busuioc.) The Assignee respectfully disagrees with the allegation that Busuioc teaches this particular provision of claim 1.

Generally, Busuioc “provide[s] a service management system, which can be used in the provision of services to a mobile user by means of more than one network platform. In particular, embodiments of the present invention can be used to provide services by means of a combination of a fixed and a mobile communications network, in spite of the differing constraints such as the more limited bandwidth available in mobile networks.” (Column 1, lines 27-34.) “In an application, a mobile user might move from a cell of the mobile network which can provide relatively wide bandwidth to one which can only provide limited bandwidth.”

(Abstract.)

The passage of Busuioc cited in the Office action indicates that “[s]oftware agents for use in embodiments of the present invention can be designed to manage systems where there is a large amount of distributed information available and *a large number of users with specific service requirements.*” (Column 1, lines 52-56; emphasis supplied.) Thus, Busuioc acknowledges the existence of a *user’s* requirements or needs for specific types or levels of service from a mobile communication network, such as the availability of a particular amount of bandwidth. However, Busuioc does not mention *requirements of a broadband wireless service*, as provided for in claims 1, 12 and 23 (i.e., *what the broadband wireless service requires of a communication device for basic operation of the device with the service*, such as “hardware and software requirements for a communication device to receive the broadband wireless service,” as indicated at page 7, lines 3-5, of the present application). Identifying such requirements is necessary in embodiments of the present invention “to determine if the first communication device is qualified to receive the broadband wireless service,” as set forth in claims 1, 12 and 23. Busuioc, on the other hand, already presumes that the device is receiving at least some level of service from the mobile network. Thus, Busuioc does not teach or suggest identifying requirements of a broadband wireless service, as provided in claims 1, 12 and 23.

In its Response to Arguments, the final Office action further argues that “Busuioc discloses software agents that provide a wide range of services to mobile devices. Busuioc also discloses wherein these services have specific requirements (col. 1, lines 47-56).” However, as stated above, these requirements are the *user’s requirements* or needs, not the requirements of a broadband wireless service that are compared to configuration information of a communication device to determine if the communication device is qualified to receive the broadband wireless service, as provided for in claims 1, 12 and 23.

The Response to Arguments also indicates that “Busuioc further discloses wherein these agents work cooperatively to collate their available link capabilities and cell bandwidth in a “resource configuration” required for a particular service.” (Page 2 of the final Office action; see also column 4, lines 7-12, of Busuioc.) However, link capacities and cell bandwidth are *characteristics of the network providing the service, not requirements of a broadband wireless service* to be compared with configuration information of a communication device to determine if the device is qualified to receive the service. Throughout Busuioc, the ability of the user’s

device to interact with the network is generally presumed; it is the ability of the network to satisfy the needs of the user that is the focus of Busuioc.

The final Office action also indicates that “[a]t the time of the invention it would have been obvious to one of ordinary skill in the art to modify Busuioc to include *software means determining whether or not broadband is available* for the purpose of *determining capabilities of a wireless device as to whether broadband service is installable on said device.*” (Page 4 of the final Office action; emphasis supplied.) The Assignee respectfully disagrees. Software that determines whether or not broadband service is available in a particular area, as discussed in Gupta at paragraph [0033], has nothing to do with, and would not aid in, determining capabilities of a wireless device as to whether broadband service is installable on the device. For example, the software for enabling broadband may be installable in the device, and yet at the same time the device may be outside of a broadband service area; one has nothing to do with the other. Thus, the Assignee contends that no motivation exists to combine Gupta with Busuioc, and such indication is respectfully requested.

Therefore, the Assignee contends that claims 1, 12 and 23 are allowable in view of Busuioc and Gupta, and such indication is respectfully requested.

Thus, for at least the foregoing reasons, the Assignee asserts that claims 1, 12 and 23 are allowable, and such indication is respectfully requested.

Claims 2, 6, and 9-11 depend from independent claim 1, claims 13, 17 and 20-22 depend from independent claim 12, and claims 24-28 depend from independent claim 23, thus incorporating the limitations of their respective independent claims. Since each of independent claims 1, 12 and 23 have been shown allowable by way of the above discussion, the Assignee asserts that claims 2, 6, 9-11, 13, 17, 20-22 and 24-28 are allowable for at least the same reasons, and such indication is respectfully requested.

Therefore, the Assignee respectfully requests the rejections of claims 1, 2, 6, 9-13, 17 and 20-28 be withdrawn.

Indication of Allowable Subject Matter

The Office action indicates that claims 3-5, 7, 8, 14-16, 18 and 19 represent allowable

subject matter. Accordingly, the patentability of these claims is not discussed herein. Furthermore, the Assignee thanks the Examiner for her consideration of these claims.

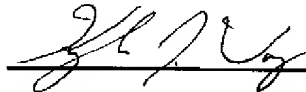
Conclusion

Based on the above remarks, the Assignee submits that claims 1-28 are allowable. Additional reasons in support of patentability have been omitted in the interests of clarity and brevity. The Assignee respectfully requests allowance of claims 1-28.

The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

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